

TESTIMONY OF
MAJOR GENERAL TIMOTHY J. LOWENBERG
THE ADJUTANT GENERAL, WASHINGTON NATIONAL
GUARD
and
DIRECTOR, WASHINGTON MILITARY DEPARTMENT

BEFORE THE
SUBCOMMITTEE ON ECONOMIC SECURITY,
INFRASTRUCTURE PROTECTION and CYBERSECURITY
and the
SUBCOMMITTEE ON EMERGENCY PREPAREDNESS,
SCIENCE AND TECHNOLOGY
of the
COMMITTEE ON HOMELAND SECURITY
UNITED STATES HOUSE OF REPRESENTATIVES

SITE VISIT AND HEARING (Bellingham, WA) Re:
ASSESSMENT OF RISKS AT THE NORTHERN BORDER
AND THE INFRASTRUCTURE NECESSARY TO
ADDRESS THOSE RISKS

AUGUST 8, 2006

TESTIMONY BY
MAJOR GENERAL TIMOTHY J. LOWENBERG
THE ADJUTANT GENERAL, WA NATIONAL GUARD

Good afternoon, Mr. Chairman and distinguished members of the Committee.

For the record, my name is Major General Tim Lowenberg. I am the Adjutant General of the State of Washington and Chair of Homeland Defense and Homeland Security for the Adjutants General Association of the United States (AGAUS). In addition to my Army and Air National Guard command responsibilities, state law designates the Adjutant General as the State's senior emergency management official and vests in me the responsibility to "administer the comprehensive emergency management program of the state of Washington" (RCW 38.52.005). The Adjutant General is also responsible for managing Washington's statewide Enhanced 911 telecommunications system and for serving as a voting member of the State Interoperability Executive Committee (SIEC). The Adjutants General of twenty-five (25) other states and territories have been similarly vested with dual military commander / force provider and civilian emergency management responsibilities. In the other states in which National Guard and state emergency management functions are not merged under the operational control of The Adjutant General, my general officer counterparts and their respective state emergency management directors have

fashioned very close relationships to assure a heightened level of civil-military emergency preparedness and domestic response capabilities.

In addition to the foregoing statutory duties, I am the Homeland Security Advisor and State Administrative Agent (SAA) for the State of Washington. In these capacities, I serve as the Governor's primary agent for all matters pertaining to homeland defense and homeland security and I administer all Department of Homeland Security grant programs, including the allocation and distribution of grant monies to other state agencies, cities, counties, tribal governments and private and non-profit organizations. In these capacities, I deal directly with Department of Homeland Security (DHS) Secretary Michael Chertoff and senior members of his Department and with Assistant Secretary of Defense for Homeland Defense, the Honorable Paul McHale and other principal members of the Department of Defense. Fifteen (15) of my fellow Adjutants General also serve, as do I, as their state's Homeland Security Advisor.

Finally, I have the honor of serving as Co-Chair of the National Homeland Security Consortium and as a member of the Executive Board of the Governors' Homeland Security Advisors Council. The National Homeland Security Consortium is a coalition of the following independent national organizations and associations:

1. National Governors Association (NGA)
2. Adjutants General Association of the United States (AGAUS)
3. American Public Works Association
4. Association of Public Safety Communications Officials

5. Association of State & Territorial Health Officials (ASTHO)
6. Business Executives for National Security
7. Council of State Governments
8. Governors Homeland Security Advisors Council
9. International Association of Emergency Managers
10. International Association of Chiefs of Police
11. International Association of Fire Chiefs
12. International City/County Managers Association
13. Major City Chiefs Association
14. National Association of Counties
15. National Association of County & City Health Officials
16. National Association of State Departments of Agriculture
17. National Association of State Emergency Medical
Services Officials
18. National Conference of State Legislatures
19. National Emergency Management Association (NEMA)
20. National League of Cities
21. National Sheriffs Association
22. Naval Postgraduate School
23. Urban Area Security Cities
24. U.S. Chamber of Commerce

The Governors' Homeland Security Advisors Council is a newly formed adjunct of the National Governors Association Center for Best Practices. It represents the Homeland Security Advisors of the fifty-three (53) states and U.S. territories.

I mention these complex and tightly interwoven civil-military responsibilities because they are unique to the Adjutants General of the states, territories and the District of Columbia and because they result in a powerful fusion and unity of effort across the spectrum of state homeland security requirements, especially for states like Washington that share land, air and maritime borders with another nation. It is these responsibilities and operational experiences that I draw upon in proffering the following observations about border security and the infrastructure necessary to address cross-border security risks. Thank you for the invitation to address these important topics.

- WASHINGTON / PACIFIC NORTHWEST BORDER SECURITY REQUIREMENTS-

It is particularly timely and appropriate that you are conducting your combined Subcommittee hearing in Bellingham, Washington near some of the most critical air, land and maritime border crossing points between the United States and Canada. I urge you to request classified briefings from U.S. Northern Command (US NORTHCOM) and U.S. Customs and Border Protection (CBP) concerning our region's border security vulnerabilities and requirements.

In the unclassified realm, in December, 1999 federal border agents apprehended an Algerian terrorist, Ahmed Ressay, in Washington as he drove

off a ferry from British Columbia with a trunk full of bomb-making materials. Information from Ressam helped prevent the mishandling and potential detonation of the shoe bomb Richard Reid attempted to explode aboard an American Airlines flight in December 2001. Ahmed Ressam was subsequently convicted and sentenced to 22 years for his role in the so-called Millennium Plot to bomb the Los Angeles international airport.

In August 2009, Canada will host the International Police and Fire Games and in February and March 2010 Canada will also host the 2010 Winter Olympics (February 12-28) and Paralympics (March 12-21). All of these events will be in British Columbia. The International Police and Fire Games will draw an estimated 14,000 athletes from more than 70 nations plus an estimated 25,000 coaches, officials and family members and untold thousands of spectators. Unlike the Winter Olympics, the international community is invited to all venues free of charge. The 2010 Winter Olympics will draw an estimated 6,700 athletes from more than 80 countries plus an estimated 10,000 media representatives, 35,000 Games volunteers and more than 250,000 visitors, all of whom will be “on the move” within a few kilometers of the U.S. – Canadian border. Untold thousands of international visitors will attempt to transit Washington – British Columbia air, land and maritime border crossing routes in both directions in conjunction with these events and for all of the training and recreational activities that precede and follow them.

These international gatherings obviously present unprecedented economic opportunities for our state/provincial, regional and national economies. They also

present an attractive “world stage” of target opportunities for terrorists and an unprecedented scope of state/provincial and national domestic security challenges.

To address these challenges and opportunities, the Governor of Washington formed a 2010 Olympics and Paralympics Task Force in August 2004 to help forge a synchronized operations plan and facilitate unity of effort among U.S. and Canadian law enforcement and security agencies. Recognizing that border and regional security obligations are principally the responsibility of the U.S. and Canadian federal governments, the State of Washington has stepped forward to help facilitate pre-planning, communication and coordination among all U.S. and Canadian local, state/provincial and federal stakeholders.

The 2010 Olympics and Paralympics Task Force has been co-chaired from its inception by U.S. Representative Rick Larsen (D-WA) and former U.S. Representative and former state transportation secretary Sid Morrison (R-WA). I have been privileged to serve as a member of the Task Force Executive Committee and as Chair of the Security Subcommittee. Since early 2006, Laura Laughlin, Special Agent in Charge of the FBI Seattle Office, has served as Security Committee Co-chair.

The Security Committee has met quarterly at Camp Murray, Washington since early 2005. Regular participants in these planning sessions include:

- U.S. Customs and Border Protection (CBP)
- Washington Military Department - Joint Force HQ

- Washington Military Department – Emergency Management Division (EMD)
- U.S. Department of State, International Athletic Event Security Coordination Group (IAESCG)
- US NORAD Western Air Defense Sector (WADS)
- U.S. Secret Service
- U.S. Secretary of Defense – Office of the Assistant Secretary of Defense –Homeland Defense (ASD-HD)
- U.S. Secretary of Defense – Office of Special Events Coordination, Joint Staff/Joint Director of Military Support, Special Events Manager
- U.S. Department of Homeland Security - IR/IMD
- U.S. Coast Guard –13th District HQ
- U.S. Federal Highway Administration
- Federal Bureau of Investigation (FBI)
- FEMA Region X
- U.S. Department of Energy, National Nuclear Security Administration, Office of Emergency Response
- U.S. Immigration and Customs Enforcement (ICE)
- Royal Canadian Mounted Police (RCMP) – Emergency Operations
- Royal Canadian Mounted Police (RCMP) – Integrated Security Unit 2010

- Royal Canadian Mounted Police (RCMP) – 2010 Federal Security Office
- Washington State Patrol (WSP)
- Washington State Department of Transportation (WSDOT)
- Washington Department of Health (DOH)
- Whatcom County Sheriff and Emergency Management Offices
- Bellingham Fire Department
- Port of Seattle Police Department
- Pacific Northwest Economic Region (PNWER)
- Pacific Northwest National Laboratory (PNNL)

I would be remiss if I did not acknowledge the personal initiative and leadership of Mr. Thomas Hardy, Director of Field Operations for the northern region of U.S. Customs and Border Protection. Although his area of responsibility (AOR) spans eastward from the Pacific Ocean to the states of the upper Midwest, he has attended virtually every meeting of the 2010 Task Force Security Committee and has been quick to proffer the leadership and expertise of CBP in virtually all of the Committee's undertakings.

The next 2010 Task Force Security Committee meeting is at Camp Murray, Washington on September 6, 2006. Committee on Homeland Security members and staff are cordially encouraged to attend this and all future meetings.

At the September 6, 2006 meeting, we will have a presentation from the Department of Homeland Security – Office of Preparedness, update briefings

from the Royal Canadian Mounted Police 2010 task force and British Columbia Department of Emergency Services and status reports from the following Security Committee work groups:

- Planning and Operations (CBP and WSP, Co-leads);
- Information Analysis & Communications (FBI and WSP, Co-leads);
- Communications Interoperability (FBI and WSP, Co-leads);
- Logistics & Finance / Administration (Department of Homeland Security and Washington Military Department, Emergency Management Division, Co-leads);
- Training and Exercises (FEMA Region X and Washington Military Department Joint Force Headquarters, Co-leads); and
- Public Information (CBP and Washington Military Department-EMD, Co-leads).

The Security Committee work groups are reviewing, assessing and preparing recommendations for addressing current and long term cross-border security requirements.

- SPECIAL SHORT TERM REQUIREMENTS-

Even as we await the formal Work Group recommendations, it is obvious that we need an effective Unified Command Center architecture that assures the security of the Pacific Northwest U.S. – Canada border at present and as we approach the timeframe of the special 2009 - 2010 international athletic events.

We also need interoperable wireless communications systems upgrades and U.S. and Canadian bandwidth allocations that are de-conflicted and

synchronized on both sides of the U.S. – Canada border. As recently as this spring (2006), CBP and U.S. state and local law enforcement authorities were unable to communicate with one another during a potentially life-threatening, real-world U.S.-Canada border security operation.

Customs and Border Protection (CBP) itself is undersized and under-resourced for current northern border security requirements. The lack of adequate CBP staffing and related support systems will become increasingly critical as we approach the timeframe of the 2009 and 2010 international athletic events.

We also know that *all* local, state and federal stakeholders will need special federal funding for regional and bi-national training and exercises in FFY2007 through FFY2010 to assure preparedness for the special security challenges these international events will present. The Washington Military Department has taken the lead in designing a collaborative five (5) year schedule of increasingly robust regional and bi-national table top / field exercises that will enable us to build toward full mission capability by the end of FFY08. These plans, however, require dedicated federal funding for all exercise participants.

Secure and improved personal identification systems and streamlined transit procedures for trusted agents and citizens of both countries are also essential if we are to strike an appropriate balance between security interests and sustaining and enhancing the economies of the Pacific Northwest Economic Region (Alaska, Yukon Territory, British Columbia, Washington, Oregon and Idaho). In this regard, Washington Governor Chris Gregoire and British Columbia Premier

Gordon Campbell have initiated a formal British Columbia-Washington State *High Level Dialogue* that focuses on integrated approaches to border security and cross-border law enforcement measures. On December 8, 2005, Governor Gregoire and Premier Campbell wrote to President George W. Bush expressing concern that the proposed Western Hemisphere Travel Initiative (WHTI) passport requirement does little to increase security while significantly and negatively impacting the cross-border flow of commerce, tourism and trade – habitual and well-established cross-border transit activities upon which both nations depend. They subsequently wrote to President Bush and Prime Minister Stephen Harper to elaborate upon their concerns. Copies of their letters are attached and marked as Appendices 1 and 2. In these letters, Governor Gregoire and Premier Campbell invite the two federal governments to participate and join in their *High Level Dialogue* Working Group.

Governor Gregoire and Premier Campbell have also emphasized, and I concur, that the key to effective homeland security is to have fully staffed, well-trained, professional border guards whose agencies work cooperatively from both sides of the border. We fully support *reasonable* security measure for the safety of all persons. However, we oppose *unreasonable* measures that do little to improve security while diminishing the quality of life and economic vitality of our region.

U.S. federal requirements permit the use of State driver licenses that are marked to indicate U.S. citizenship status. This would allow the State of Washington to update its driver license enrollment and issuance policies and

processes to come into compliance with border crossing requirements. We have identified technology that can be used at licensing offices to help validate the acceptability of foundational documents (used to establish personal identity and citizenship) and that can be used at border crossings to wirelessly check the authenticity and validity of driver licenses and ID cards against document standards and record databases.

The Cross-Border *High Level Dialogue* Working Group is currently working on a two-phased project to demonstrate the feasibility and effectiveness of these technologies for assuring traveler identity and document authenticity. The two phases of our Cross-Border Initiative are:

1. Use of wireless handheld scanners at border crossings to demonstrate the ability of customs officials to screen driver licenses; and
2. Implementation of processes and policies to improve driver license enrollment processes and system changes to allow wireless scanners to verify the authenticity and validity of driver licenses against Department records.

On behalf of Governor Gregoire, I urge the Committee to support these critical Cross-Border security initiatives.

- IMPACT OF NATIONAL GUARD POLICIES ON BORDER SECURITY AND CROSS-BORDER SECURITY RISKS -

The U.S. *National Strategy for Homeland Security* (July 16, 2002) defines homeland security as “a concerted national effort to prevent terrorist attacks

within the United States, reduce America's vulnerability to terrorism, and minimize the damage and recover from attacks that do occur". The Strategy clearly articulates that homeland security as a "shared responsibility" of the federal and state governments. It goes on to prescribe that "Cost sharing between different levels of government should reflect the principles of federalism."

Based on these core tenets and the simple recognition that all disasters are local disasters, including incidents of national significance, Congress has implemented programs designed to sustain and enhance the states' ability to meet their homeland security responsibilities. Nearly all federal agencies have supported the strategy of enhancing state capabilities -- with the exception of the Department of Defense (DoD) which has pursued a series of unilateral actions that directly undermine and diminish the states' capacity to respond to domestic emergencies. DoD has taken these actions with no notice to or consultation with Governors or the National Guard Bureau (the statutory "channel of communications...between (1) the Department of the Army and Department of the Air Force, and (2) the several states [on] all matters pertaining to the National Guard". See 10 USC 10501(b)).

These unilateral DoD actions include (1) the BRAC 2005 withdrawal of state National Guard aircraft responsible for moving 1 out of every 2 soldiers and airmen and 1 out of every 3 short tons of equipment that were airlifted into the Gulf Coast states after Hurricane Katrina hit land fall in August 2005, (2) the January 2006 elimination of force structure authorizations and budget authority

for 34,000 Army and Air National Guard positions, (3) the removal of \$1.2 Billion in military equipment and supplies from Army National Guard units [leaving the Army National Guard with less than 34% of its authorized and required equipment], (4) the July 2006 removal of two years' worth of Governor and Adjutant General-validated military construction projects from the Future Years Defense Plan [FYDP], and (5) the Defense Department's request for legislation giving the President authority to take control of a State's National Guard away from the Governor in the event of any "serious natural or manmade disaster, accident or catastrophe." [See Section 511 of the House-passed 2007 Defense Authorization Act]. These DoD actions have been undertaken with no notice and without consulting the Department of Homeland Security, the National Guard Bureau or the States and territories. They individually and materially degrade the States' ability to respond to catastrophic emergencies, including domestic terrorist attacks. They also individually and materially degrade the States' abilities to help secure our borders and protect cross-border critical infrastructure from transnational terrorist threats.

Taken individually and as a whole, these and other DoD actions are the result of DoD's failure to consult with the states and territories. The National Defense Enhancement and National Guard Empowerment Act of 2006 (S.2658/H.R. 5112), as amended by unanimous consent in the Senate, would address these shortcomings by (1) elevating the National Guard Bureau [NGB] to the status of a DoD "joint activity" [giving the Chief, NGB direct access to the Secretary of Defense and the Joint Chiefs of Staff instead of being silenced in the no-man's

land between the Chiefs of Staff of the Army and Air Force], (2) giving the Chief, NGB, in consultation with the states' Adjutants General, the authority to articulate the National Guard's homeland defense and homeland security requirements, (3) giving the Chief, NGB 4-star rank commensurate with the Bureau's joint activity status, and (4) designating the deputy commander of US NORTHERN COMMAND as a National Guard general officer position.

Other provisions of the original legislation may be appropriate for study and review by the Commission on the Role of the National Guard and Reserves (CRNGR), but immediate passage of the foregoing provisions is necessary to assure states maintain the capacity to contribute to the nation's Homeland Security.

- CONCLUSION -

I would like to thank the Committee for the opportunity to testify on behalf of the State of Washington and the other federal, state and local stakeholders who comprise the Governors 2010 Olympics and Paralympics Task Force and its Security Committee. We are all citizens deeply devoted to our nation's security. The requirements I have outlined above are necessary to safeguard our borders and sustain and enhance our state and national economies. Working with Congress, we can, we must and we will assure our nation remains a safe and secure place in which to live, work and raise our families.